

# **EXHIBIT H**

**AMSTER  
ROTHSTEIN  
& EBENSTEIN LLP**  
*Intellectual Property Law*

90 Park Avenue  
New York NY 10016  
Main 212 336 8000  
Fax 212 336 8001  
Web [www.arelaw.com](http://www.arelaw.com)

<i>Partners</i>	<i>Founding Partners</i>	<i>Of Counsel</i>	
Daniel Ebenstein	Morton Amster, <i>Of Counsel</i>	Anne Hassett	Sandra A. Hudak
Philip H. Gottfried	Jesse Rothstein (1934-2003)		Tzvi Hirshaur
Neil M. Zipkin			Michael Sebba
Anthony F. Lo Cicero			Tuvia Rorberg
Kenneth P. George			Dexter Chang
Chester Rothstein			
Craig J. Arnold			* Not admitted in New York
Charles R. Macedo			
Brian A. Comack			
Max Vern			
Holly Pekowsky			
Benjamin M. Halpern*			
<i>Senior Counsel</i>		<i>Associates</i>	
	Marion P. Metelski	Patrick Boland*	
	Alan D. Miller, Ph.D.	Benjamin Charkow	
	Marc J. Jason	Suzue Fujimori	
	Richard S. Mandaro	Jessica Capasso	
	Matthew Hausig	Brian Amos, Ph.D.	
	Jung S. Hahn	Hajime Sakai, Ph.D.	
	Mark Berkowitz	David P. Goldberg	
		Reena Jain	

March 9, 2017

Kenneth P. George  
Direct 212 336 8090  
E-mail [kgeorge@arelaw.com](mailto:kgeorge@arelaw.com)

Via E-mail, Fax and Mail

Ms. Veronica Woods  
NorthWell Staffing Agency, LLC  
P.O. Box 188  
Bay Shore, NY 11706

Re: Northwell Health, Inc.  
NorthWell Staffing Agency, LLC  
Our File: 64337/177

Dear Ms. Woods:

We are trademark counsel to Northwell Health, Inc. ("Northwell"), formerly known as North Shore-Long Island Jewish Health System, Inc. ("NSLIJ"), owner of the well-known mark NORTHWELL HEALTH in connection with medical, healthcare and related services (the "NORTHWELL Mark"). Our client has been operating for over 20 years, and its vast health system includes 21 hospitals and more than 12,000 member physicians. Northwell is the largest integrated health system in New York and is also the largest private employer in New York.

Northwell owns Registration Nos. 5,014,738 and 5,005,174 for its NORTHWELL Mark with priority filing dates of July 6, 2015 (word mark) and September 22, 2015 (word and design mark). Copies of these Registrations are annexed hereto as Exhibits A and B, respectively.

Northwell has been using its NORTHWELL Mark for more than a year, and its name change to NORTHWELL HEALTH was well publicized before that, in such well known publications as *The New York Daily News*, *The Washington Times* and *Crains New York*.

Northwell's NORTHWELL Mark has been extensively promoted and has received widespread recognition from the trade and public. As such, the NORTHWELL Mark has gained a secondary meaning as denoting medical, healthcare and related services of excellent

Ms. Veronica Woods

2

March 9, 2017

quality and value stemming from Northwell, and the NORTHWELL Mark has become a business asset of significant value to Northwell.

Northwell recently learned that, well after it began using the NORTHWELL Mark, and well after the NORTHWELL Mark became well known to consumers, NorthWell Staffing Agency, LLC (“your company”), which, like our client, is located on Long Island, New York, was formed on September 12, 2016 and began operating as “NorthWell Staffing Agency” (the “Infringing Name”). It is our understanding that previously your company operated as Blessed Healthcare Staffing Agency, LLC, which was dissolved by proclamation on October 26, 2016.

Given the identical nature of the NORTHWELL element in both parties’ names, and the overlapping nature of the parties’ medical and healthcare services, use of the Infringing Name creates the false impression that the parties’ services emanate from the same source or that there is an affiliation, license or other relationship between the parties, when there is not. The likelihood of confusion is particularly strong because your company’s services are provided in the same geographic region as Northwell’s, *i.e.*, on Long Island. In addition, Northwell similarly operates a staffing agency and Northwell and your company contract with overlapping payors, both of which contribute to public confusion.

Your company’s activities constitute infringement of Northwell’s NORTHWELL Mark and false designation of origin in violation of Sections 33 and 43(a) of the Trademark Act of 1946 (15 U.S.C. §§ 1115 and 1125(a)), as well as unfair competition under New York State law. Northwell is entitled to an injunction under 15 U.S.C. § 1116, and monetary compensation in the form of damages and/or your company’s profits for services provided under the Infringing Name.

Based on the identical nature of the marks, the overlap in services, and the geographic closeness of the two companies, it appears clear that your company has acted willfully. Accordingly, in addition to the remedies discussed above, Northwell will be entitled to up to three times its actual damages and an award of its attorneys’ fees under 15 U.S.C. § 1117(a).

Your company’s use of the Infringing Name is particularly dangerous since your company has received bad reviews for allegedly not paying its nursing staff and failing to send pertinent documentation to Albany for a patient’s continuity of care. *See* reviews on <https://www.yellowpages.com/lindenhurst-ny/mip/blessed-healthcare-staffing-agency-18498951> annexed hereto as Exhibit C. Consumers and the public are likely to mistakenly believe that Northwell has committed these offenses, and its reputation will be irreparably harmed.

Indeed, a patient called Northwell to complain about the failure of your company to pay his caregiver under the mistaken belief that your company and Northwell are the same company. Our client has also received calls from managed care companies mistakenly believing that your company and Northwell are the same company. These calls from patients and managed care companies are evidence that your company’s use of the Infringing Name is causing actual confusion, and this is compelling evidence of infringement.

Ms. Veronica Woods

3

March 9, 2017

Accordingly, on behalf of Northwell, we demand that your company immediately cease and desist from all use of the Infringing Name, or any other name or mark which is confusingly similar to our client's NORTHWELL Mark, including, without limitation: (i) changing its name to a name that does not incorporate the NORTHWELL element or any confusingly similar element; (ii) changing all relevant signage; (iii) notifying all relevant trade directories of the name change; and (iv) assigning to our client all domain names which incorporate the NORTHWELL element, including, without limitation, northwellstaffing.com.

Unless we receive, within ten (10) days of this letter, notification from your company or its counsel that your company has ceased all infringing activities and will in the future refrain from using either the Infringing Name or any other name or mark that is confusingly similar to our client's NORTHWELL Mark, our client will be forced to take appropriate action to protect its valuable intellectual property rights.

This letter is without prejudice to any of our client's rights or remedies, all of which are expressly reserved.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN LLP



Kenneth P. George

KPG:jns  
Encls.

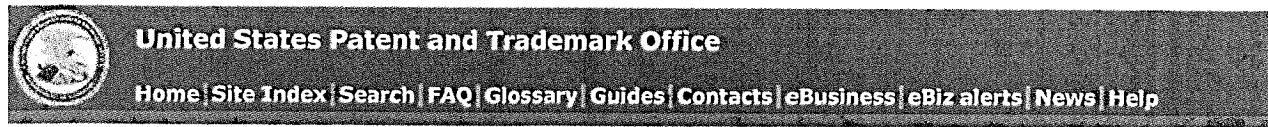
cc: NorthWell Staffing Agency, LLC  
121-19 Sutphin Boulevard  
Jamaica, NY 11434 (via FedEx)

NorthWell Staffing Agency, LLC  
64 S. Clinton Avenue, 3A  
Bay Shore, NY 11706 (via FedEx)

United States Corporation Agents, Inc.  
7014 13<sup>th</sup> Avenue, Suite 202  
Brooklyn, NY 11228 (via FedEx)

Northwell Health, Inc. (via email)

Holly Pekowsky, Esq.



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Mar 8 03:31:48 EST 2017

[TESS Home](#) [NEWUSER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#) [Assigned Serials](#) [Prior Serials](#) (Use the "Back" button of the Internet Browser to return to TESS)

## NORTHWELL HEALTH

Word Mark	NORTHWELL HEALTH
Goods and Services	IC 035. US 100 101 102. G & S: Physician referral services; managed care services, namely, utilization review and pre-certificate services; managed care services, namely, electronic processing of health care information. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
	IC 041. US 100 101 107. G & S: Providing continuing medical education courses; education services, namely, providing courses and seminars at the university level for the education of health services personnel, including doctors, nurses and other health professionals; providing information and counseling on physical fitness, all provided at hospitals and healthcare facilities. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
	IC 042. US 100 101. G & S: Medical research services. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101

	IC 044. US 100 101. G & S: Hospitals and hospices; home health care services; medical services; physical rehabilitation; health care services; wellness programs, namely, providing information and counseling on nutrition and healthy living, all provided at hospitals and healthcare facilities; managed health care services. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
--	---

Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86979340
Filing Date	July 6, 2015
Current Basis	1A

### Exhibit A

Trademark Electronic Search System (TESS)

Page 2 of 2

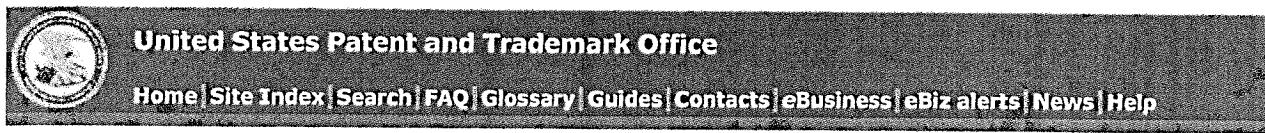
Original Filing Basis	1B
Published for Opposition	December 8, 2015
Registration Number	5014738
Registration Date	August 2, 2016
Owner	(REGISTRANT) NORTHWELL HEALTH, INC. CORPORATION NEW YORK 2000 Marcus Avenue New Hyde Park NEW YORK 11042
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Anthony F. Lo Cicero
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEALTH" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Trademark Electronic Search System (TESS)

Page 1 of 2



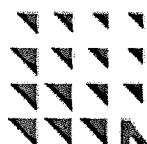
TESS was last updated on Wed Mar 8 03:31:48 EST 2017

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) [Assist Status](#) [UPL Status](#) (*Use the "Back" button of the Internet Browser to return to TESS*)



**Northwell  
Health**

Word Mark	NORTHWELL HEALTH
Goods and Services	IC 035. US 100 101 102. G & S: physician referral services; managed care services, namely, utilization review and pre-certificate services; managed care services, namely, electronic processing of health care information. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
	IC 041. US 100 101 107. G & S: providing continuing medical education courses; education services, namely, providing courses and seminars at the university level for the education of health services personnel, including doctors, nurses and other health professionals; providing information and counseling on physical fitness, all provided at hospitals and healthcare facilities. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
	IC 042. US 100 101. G & S: medical research services. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
	IC 044. US 100 101. G & S: hospitals and hospices; home health care services; medical services; physical rehabilitation; health care services; wellness programs, namely, providing information and counseling on nutrition and healthy living, all provided at hospitals and healthcare facilities; managed health care services. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 24.09.09 - Flags, more than one; More than one flag

Serial Number 86979299

Filing Date September 22, 2015

Current Basis 1A

Original Filing 1B

## Exhibit B

Trademark Electronic Search System (TESS)

Page 2 of 2

**Basis**

Published for Opposition December 1, 2015  
Registration Number 5005174  
Registration Date July 19, 2016  
Owner (REGISTRANT) NORTHWELL HEALTH, INC. CORPORATION NEW YORK 2000 Marcus Avenue New Hyde Park NEW YORK 11042  
Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record Holly Pekowsky  
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEALTH" APART FROM THE MARK AS SHOWN  
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "Northwell Health" and an array of flags in rows and columns.  
Type of Mark SERVICE MARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#) |

| [HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Blessed Healthcare Staffing Agency Lindenhurst, NY 11757 - YP.com

Page 1 of 4

The screenshot shows the Yellowpages.com website interface for 'Blessed Healthcare Staffing Agency'. At the top, there's a navigation bar with 'Browse', a search bar ('Search by business or keyword'), a location selector ('New York, NY'), and user options ('Sign In', 'Join'). Below the header, the business name 'Blessed Healthcare Staffing Agency' is displayed in large letters, followed by a star rating of 3.5 stars based on 5 reviews. The address is listed as '99 W Hoffman Ave, Lindenhurst, NY 11757' with the phone number '(631) 390-8646'. A 'Business Hours' section indicates 'Today: 9:30 am - 4:30 pm'. A 'Years in Business' badge shows '14 YEARS IN BUSINESS'. There are links to 'Visit Website' and 'Suggest an Edit'. To the right, there are social media sharing icons for LinkedIn, Facebook, Google+, and YouTube, along with a 'Map & Directions' link. A 'Write a Review' button is also present. Below the main information, there are tabs for 'BUSINESS DETAILS', 'COUPONS', 'GALLERY', and 'REVIEWS'. Under 'BUSINESS DETAILS', there are two entries: 'Healthcare Staffing Agency - Millennium Medical Staffing' with the website 'millmedstaffing.com/Healthcare/Staffing\_Agency' and phone '(718) 205-3079', and 'Health Care Staffing' with the website 'www.blueforcestaffing.com/nurses' and phone '(866) 795-2583'. Both entries mention 'Travel Nurse & Healthcare Staffing'. To the right of these details, there's a map showing the location of the agency in Lindenhurst, NY, with a pin marking the exact spot. Below the map, there's a section titled 'PEOPLE ALSO VIEWED' listing other local healthcare staffing agencies like American Home Care, Home Instead Senior Care, Utopia Home Care Inc., and At Home Senior Care. At the bottom of the page, there's a large advertisement for 'Litter lightens up.' featuring a dog and a recycling bin.

Blessed Healthcare Staffing Agency Lindenhurst, NY 11757 - YP.com

99 W Hoffman Ave, Lindenhurst, NY 11757  
(631) 390-8646

Today: 9:30 am - 4:30 pm

14 YEARS IN BUSINESS

Visit Website Suggest an Edit

Is this your business? Customize this page.

Business Details COUPONS GALLERY REVIEWS

**Healthcare Staffing Agency - Millennium Medical Staffing**  
millmedstaffing.com/Healthcare/Staffing\_Agency • (718) 205-3079  
A Premiere Staffing Agency Servicing Hospitals, Nursing Homes & Clinics  
Devoted to Quality · Best Candidates · Cost-Effective Solutions · Superior Staffing Service

**Health Care Staffing**  
www.blueforcestaffing.com/nurses • (866) 795-2583  
Travel Nurse & Healthcare Staffing. Contact BlueForce for Help Today!  
Travel Staffing Agency · Contact Our Consultants · Talk To Our Consultants · Temporary Nurse Staffing

**Map & Directions**

**PEOPLE ALSO VIEWED**

American Home Care  
171 Franklin Plaza, Farmingdale, NY

Home Instead Senior Care  
180 Franklin Ave, Bellmore, NY

Utopia Home Care Inc  
110 Main St, Bellmore, NY

At Home Senior Care  
2020 Franklin Ave, Bellmore, NY

Holistic Home Health Care  
12 Belmont Ave, West Babylon, NY

Litter lightens up.

Paid Advertisement

## Exhibit C

<https://www.yellowpages.com/lindenhurst-ny/mip/blessed-healthcare-staffing-agency-1849...> 3/8/2017

Blessed Healthcare Staffing Agency Lindenhurst, NY 11757 - YP.com

Page 2 of 4

Blessed Healthcare knows what is expected from our clients and we strive to meet and exceed your expectation and needs.

**Business Description** Blessed Healthcare is a Licensed Home Care Service Agency (LHCSA) and a NYS OPWDD provider. Our mission is to be the premier healthcare service provider capable of offering quality home care, healthcare staffing, and CPR, AED, and First-Aid training.

**Hours**

	Regular Hours
Mon	9:00 am - 5:00 pm
Tue - Thu	9:30 am - 4:30 pm
Fri	10:00 am - 4:00 pm
Sat - Sun	Closed

**Extra Phones** Phone: (631) 270-6545

**Location** Blessed Healthcare headquarters is located at 99 West Hoffman Ave, Lindenhurst, NY 11757. Our additional location is located at 1143 Old Country Rd, Suite B3, Riverhead, NY 11901.

**Neighborhood** Lindenhurst

**Amenities** 24 hours/7 days a week. On-call answering service when office is closed.

**Accreditation** Licensed Home Care Services Agency (LHCSA)  
NYS DOH Licensed Home Care Services Agency (LHCSA)  
NYS DOH Personal Care Aide (PCA) Training  
NYS Office for People with Developmental Disabilities (OPWDD)  
American Heart Association (AHA) CPR & First-Aid Training

**AKA** Blessed Healthcare Agency

**Other Links** <http://homecareit.com>  
<http://www.blcsa.com>

**Category** Home Health Services

## COUPONS

No deals available. Claim this business to add deals.



## GALLERY

Photo first by field is placed.  
Photo second by field is placed.  
 Add a Photo

## REVIEWS

Leave a review or comment about this business. Your review may appear on this page and will be visible to other users.

Natalie G.

Blessed Healthcare Staffing Agency Lindenhurst, NY 11757 - YP.com

Page 3 of 4

[View Profile](#)

Now known as northWell  
 I am the mother of one of their patients. They took very good care of son UNTIL they gave 2 week notice of discharge knowing fully well they DID NOT send pertinent documentation to Albany that was needed for continuity of care & transition to new nursing agency. My sons nurses are the best and devoted to my boy, which I am grateful for. This agency also seemingly was in the process of going under even though they claimed restructuring under the NorthWell name. Failure to pay nurses. Did they continue to accept payment from New York state and not pay their employees? Seems so. Shame on them! Families with loved ones in need do not need this lack of unsupportive & unprofessional behavior. FYI if they conduct their business like this in New York I would be concerned that it is this unstable in their Virginia location as well

[Report](#)[Share](#)[Flag](#)

Laura B.

REVIEWER

[View Profile](#)

Upon answering an ad for receptionist , posted as "urgent , help needed in the Riverhead location," drove to Lindenhurst, filled out an application, was interviewed, told to get a series of shots at my expense.( did it) after several weeks of given the run around, no answer, as far as a second interview forthcoming, no answer. No one knows what is going on, so I spun my wheels for nothing , and had to pay for shot's I didn't need, for a job that apparently does not exist. Stay away from this company, they are dysfunctional, and a waste of time. Sincerely,  
 Laura Bohn

[Report](#)[Share](#)[Flag](#)

Chris J.

REVIEWER

[View Profile](#)

There all nasty women with attuides . Family run so you dealing with a family of trash. There nurse always quit never get paid. Stay away learn from my mistake.

[Report](#)[Share](#)[Flag](#)

Blessed healthcare S.

REVIEWER

[View Profile](#)

Great experience! Working with the company. I brought in my time slips on time and I always got paid on time. Very professional atmosphere. They also keep me working. Highly recommend!!!!

[Report](#)[Share](#)[Flag](#)

Theresa S.

REVIEWER

[View Profile](#)

I am very disappointed with Blessed Home Care (clearly a misnomer). I remained unpaid for a shift I worked two months ago. After having informed that I need to make a written complaint, (which is ridiculous), I proceeded to make one, then two, and was totally ignored.

The behavior of those involved is foolish, unprofessional, and illegal.

Theresa Shea RN



Share

Flag

Recommended Links



**New York Area Home Health - Recovery and support at home**

go.kindred.com/Home-Health/NY • (888) 683-6905

See how we can help maintain independence through therapy and nursing visits

Post-Surgical Care • Full Recovery Support • Experienced Care Givers • Local Care Provider

Services: Skilled Nursing Visits, Rehab Therapy, Physical Therapy, Home Health Aides

<b>ABOUT</b>	<b>SITE DIRECTORY</b>	<b>CITY GUIDES</b> More Cities »				<b>YP<sup>SM</sup> FAMILY</b>
About Us	Articles	Atlanta	Detroit	Miami	Corporate Site	
Site Feedback	News	Austin	Houston	Milwaukee	Marketing Solutions	
Contact Us	Find a Business	Baltimore	Indianapolis	New York	AnyWho	
Advertise with Us	White Pages	Boston	Kansas City	Oklahoma City		
Careers - We're Hiring	Mobile Apps	Charlotte	Las Vegas	Orlando	<b>AT&amp;T FAMILY</b>	
Corporate Blog	Reverse Phone Lookup	Chicago	Los Angeles	Philadelphia		
Engineering Blog	Site Map	Dallas	Louisville	Phoenix	AT&T	
Legal   Terms of Service and Use	Browse Restaurants	Denver	Memphis	Saint Louis	AT&T Wireless	
Privacy Policy						
Small Business Advertising						
Advertising Choices						
About Call Recording						

© 2017 YP LLC. All rights reserved.  
YP, the YP logo and all other YP marks contained herein are trademarks of YP LLC and/or YP affiliated companies.  
AT&T, the AT&T Logo and all AT&T related marks are trademarks of AT&T Inc. or AT&T affiliated companies. All other marks contained herein are the property of their respective owners.